CHAPTER XXII.

SURINJAMS AND OTHER POLITICAL TENURES.

Surinjams are defined by Wilson as "temporary assignments of revenue from villages or lands for the support of troops or for personal service, usually for the life of the grantee: also grants made to persons appointed to civil offices of the State to enable them to maintain their dignity. They were neither transferable nor hereditary, and were held at the pleasure of the Sovereign. They were called 'Jat Surinjam' when personal and 'Fouj Surinjam' when for keeping up troops."

Jagheer is defined by Wilson as "a tenure common under the Mohammedan government, in which the public revenues of a given tract of land were made over to a servant of the State, together with the powers requisite to enable him to collect and appropriate such revenue and administer the general government of the district. The assignment was sometimes unconditional, sometimes for the levy and maintenance of troops, or other specified duty. If not specified as hereditary or continuable, it was held to be a life-tenure only; but the grant was frequently continued to the heir on payment of a nuzzerana. But the British Government on acceding to power recognized many jagheers as hereditary, especially in the Mahratta Country, and these have now come to be considered as family properties."

With reference to the last paragraph it must be mentioned that the inquiry into the rights and status of the various Jaghirdars was begun by Elphinstone in 1818, and not finally settled by the orders of the Court of Directors till 1855. A detailed account of these long proceedings will be found in the Preface to the printed list of Surinjams published in 1874. The final settlement of personal Surinjams was made according to the following classification, but this did not apply to Fouj or Military Surinjams:—

1*st Class.*—All Surinjams granted prior to A.D 1751, or held in commutation of anything so granted, are considered permanently hereditary in the male line.

2nd Class.—Surinjams granted in 1751 or between that and 1796 are to be continued to the holder at the introduction of British rule and for one generation further, with a pension of half the net proceeds of the Surinjam to the third generation.

3rd Class.—All Surinjams granted after A.D. 1796, *i.e.*, by the last Peishwa, to be continued to the holder at the introduction of British rule, with a pension of half the net proceeds to the next generation—(*Court of Directors, No.* 17, *Oct.* 28, 1842, *Aug.* 16, 1854, *and Sept.* 26, 1856.)

Generally speaking, Surinjams, of which families had been deprived previously to our rule, were not acknowledged, and those which after being taken away had been again restored previously to our rule were held to have been acquired at the date of restoration. Some resumptions however were so clearly temporary that it was judged harsh to consider them as having broken the chain of prescription.—(*Court of Directors, No.* 27, *Dec.* 12, 1855.)

It is not necessary further to specify the different classes of jagheer. In fact there is now no practical difference between a Surinjamdar and a Jagheerdar, but the former is the more common title among the Mahrattas, and the latter among the Mussulmans. In most of the orders of Government Surinjam is the term used.

Both these tenures exist in considerable number in the Deccan and Southern Mahratta Country, but there are few in Guzerat, the Konkan, and Khandeish. The history and vicissitudes of most of the principal families of Jagheerdars will be found in Grant Duff's "History of the Mahrattas," and the considerations on which the great Sirdárs were confirmed in their possessions and admitted to certain privileges in Sir John Malcolm's 'Indian Government,' p. 33, &c. The laws relating to Jagheerdars, Surinjamdars, and Sirdars generally, are—

Regs. XXIX. of 1827, VII. & XIII. of 1830, I. and XVI. of 1831; Acts XIX. of 1835, XXIII. of 1871; Bombay Acts III. of 1863, II. of 1866, Secs. 2 and 5, XIV. of 1866, Sec. 3; Revenue Code.

1. **Rank.**—The rank of the different Surinjamdars is decided by their place in the list of Sirdars, but as to their claims the Bombay Government has twice decided that the list prepared by Mr. Brown, which received the sanction of the Court of Directors in 1819, should be treated as final.—*G. R. No.* 2664, *Aug.* 29, 1870.

2. **Inheritance.**—Lineal male heirs only succeed to Surinjams, but in special cases the succession of collateral heirs, or adoptions, may be allowed as an act of grace.—*Court of Directors, No.* 46, *May* 22, 1849, *and No.* 27, *Dec.* 12, 1855.

3. In Surinjams of the first class the descendants of brothers of the first British grantee were allowed to succeed: but in case of a Surinjam being divided among these brothers, or other separate provision being made for them, each brother would transmit his separate interest to his descendants without the right of cross-inheritance in case of the failure of lineal heirs.—*Secy. of State, No.* 8, *Feb.* 20, 1860.

4. In Surinjams continuable to two generations with a pension to a third, the eldest surviving son is considered to represent a generation.—*Secy. of State, No.* 7, *June* 1, 1859.

5. In Surinjams of the second class, if the eldest son of the first British grantee die before his father but leave a son, that son on his grandfather's death is to be considered the second generation, and the whole Surinjam continued to him, but no pension continued to the next generation.—*Secy. of State, Feb.* 29, 1864.

6. The eldest son is to be considered the heir, and his name to be entered in the list of Surinjamdars, notwithstanding the fact of a younger son having had the management in his father's lifetime —*G. R., July* 21, 1860.

7. **Adoption and Nuzzerana.**—In the case of the succession of an adopted son to a Surinjam one year's assessment should be levied as nuzzerana.—*G. R. No.* 2780, *Aug.* 15, 1861.

8. "Under the native government it was customary to levy nuzzers of indefinite and discretionary amount (averaging 52 per cent. on the annual value of the estate, and varying from 2 to 182 per cent.) from Jagheerdars on direct and collateral succession to estates, on partitions, alienations, and adoptions: as well as fines for neglect, contumacy, and disgraceful conduct. The Sarkar's grants in Surinjam and Jaghcer were held under a less certain tenure than inams, still less than wuttuns, being liable to conditions of furnishing military aid, either specified or unlimited, and not unless under special grants hereditary."—*Steele's "Law and Custom of the Deccan."*

9. "The payment of nuzerana is in conformity with ancient and established usage; it is associated with the confirmation of heredi-

tary claims, and as a tax it is peculiarly appropriate to the actual conditions and feelings of a number of the inhabitants of the provinces which have recently become subject to British rule in this quarter of India."—*Sir John Malcolm.*

10. **Lapse.**—On the lapse of a Surinjám to Government, the family of the Surinjamdar shall be entitled to a sum bearing the same proportion to the net collections of the current year that the period of the year which elapsed prior to the demise of the chieftain bears to the whole year.

The family will be held to possess no claim on that portion of the current year's revenue which may remain uncollected at the end of that year.

Of the revenue of past years, the family will be permitted to retain all that the deceased chieftain or last incumbent may have collected up to the date of his death, and will receive all that may subsequently be realized within one year from that date.

The year to be used in the calculations of the current revenue shall be the revenue year, or fusly, commencing with the Mrigsal or the 5th or 6th June.

The Officers of Government should make every effort to realize all balances within the twelve months after the demise of the last incumbent, but after its expiration all claims whatever of the family over the lapsed estate should for ever cease.—*Govt. Letter No.* 1417, *April* 3, 1849, *and Court of Directors, No.* 10, *Feb.* 4, 1852.

11. Except in special cases pensions granted on the lapse of Surinjams should be continued only during the lifetime of the eldest son of the last Surinjamdar.—*G. R., March* 30, 1855.

12. In any case in which an allowance is resumed and a pension sanctioned as an act of grace, such pension shall not be paid in arrears if the pensioner shall at first have refused to receive it, but shall date only from his acceptance.—*G. R. No.* 1894, *Feb.* 28, 1851.

13. When the person to whom the whole or part of a Surinjam or pension would have been continued dies before becoming entitled to it, leaving a widow or widows, the latter, on the Surinjam or pension lapsing to Government, should receive a provision for subsistence.—*Court of Directors, No.* 27, *Dec.* 12, 1855.

14. **Provision for sub-sharers.**—Surinjams should not be subdivided, but the holders should be required to make suitable provision for their younger brothers. Government will not interfere

as to the amount of this provision, except in cases when the obligation is clearly set at nought by the Surinjamdar.—*Court of Directors, No.* 27, *Dec.* 12, 1855; *No.* 18, *Feb.* 25, 1857; *and Secy. of State, No.* 17, *May* 23, 1862.

15. In accordance with this rule, Government ordered a Collector to attach and withhold further payment of a Surinjam till the holder should satisfy him that he had made arrangements for a suitable maintenance for the members of his family who were entitled to receive it.—*G. R. No.* 3928, *Dec.* 12, 1870.

16. **Accounts.**—The owners of all Surinjams are required to keep correct accounts of their receipts and disbursements according to the native mode. This will probably render interference less necessary than before.—*G. R. No.* 1291, *March* 27, 1848.

17. **Sub-Grants.**—A sub-grant of a Surinjam is valid as long as the grant continues in force. If the sub-grant lapses on failure of heirs, it lapses not to the sovereign power, but to the original holder of the grant. If on the other hand the original grant lapses to the sovereign power, the sub-grant also ceases to exist, unless it has been recognized and confirmed by the sovereign power.—*G. R. May* 9, 1856.

18. **Assistance.**—Aid may be granted, in collecting the revenue, to all mortgagees of Surinjams and other political alienations, in possession, with consent of the mortgager, or by order of the Civil Court.—*G. R. No.* 3683, *Nov.* 5, 1858. (See also Chap. VIII., Order 22.)

19. **Survey.**—The cost of the Revenue Survey and Assessment of all jagheers (except those for which the Jagheerdars have themselves elected to pay the cost, or which Government have directed to be surveyed at the cost of the Jagheerdars) in which any part of the Survey operations were commenced prior to the 6th of July 1868 shall be borne by Government, and the cost in those in which any portion of the Survey operations commenced after that date by the Jagheerdar.—*Notif. June* 9, 1869.

20. Government can no longer consent to bear the cost of survey or revision operations in Jaghires or estates held on political tenure.—*G. R. No.* 373, *Jan.* 21, 1875.

21. **Giras.**—The political allowance in Guzerat called 'Giras' was a sort of black-mail allowed by former governments to be levied from villages which received the protection of the Grassia. It is doubtful whether these grants were made out of the ordinary land revenue collections or not, but they had at the time of the introduction of our Government acquired by long usage a *quasi*-legal character as customary annual payments,* and Forbes shows that the origin of all giras was not altogether lawless.†

Our Government, for the sake of the peace of the country, allowed the system to continue, and the descendants of the original Grassias or their assigns have enjoyed the same emoluments. On the completion of the Survey, however, it was announced that Government would not for the future give the Grassias any assistance in levying their giras, but would continue the amount of the original allowance to the direct male descendants of the original grantees on certain conditions, of which the following are the chief:—

That the Grassias shall abstain from all violence and plunder, and continue to be Her Majesty's loyal subjects.

That they shall, whenever called upon, perform police or any other service which it may have been customary to exact from Grassias.

That they will not alienate the giras out of their own families by sale, mortgage, gift, &c.—*G. R. No.* 4309, *Nov.* 27, 1862.

22. Crimes against the State and crimes attended with violence to person or property, and which indicate on the part of the Grassias a recurrence to the state of lawlessness in which they formerly lived, should alone be considered violations of the first condition. And proof or reasonable certainty that they have connived at offences, or have failed to detect or prevent them in their own villages, will render them liable to be called on for the customary service, on pain of forfeiting their allowances.—*G. R. No.* 4867, *Nov.* 26, 1866.

23. When Grassias die without heirs male, their widows will receive the whole allowances for their lifetime.—*G. R. No.* 4059, *July* 16, 1873.

24. The rights of Grassias to Tora Giras cease on extinction of the male line, but for political reasons Government may sometimes allow an adoption.—*G. R. No.* 3461, *Aug.* 11, 1865.

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* Decision of Privy Council in H. C. Reports VIII. 283.
† Rás Málá. II. 276.

25. When however an arrangement to pay the Grassias from the public treasury has been previously entered into and carried out, the introduction of the Revenue Survey will not entitle Government to withhold payment.—*G. R. No.* 776, *Feb.* 21, 1872.

26. Whenever the payment of a giras allowance is suspended, a full report of the case should be forwarded to the Revenue Commissioner for his confirmation.—*G. R. No.* 4367, *Nov.* 26, 1866.

27. A decision of the Privy Council as to Grassias will be found in Vol VIII. of their reports, in which it is laid down that "Assuming that these giras hukks all began in wrong and violence, still that which had a vicious origin may in course of time have been legalized, since long enjoyment is itself a title, as well in favour of an annual payment out of land as of the possession of land itself." And the same Court subsequently ruled that "It cannot be questioned that the Tora Girás haks of those Grásias who received it from villages paying revenue to Government constitute a recognised species of property capable of alienation, and of seizure and sale under an execution."—*Bombay H. C. Reports VIII.* 283.

28. The High Court has decided that Tora Girás comes within the meaning of Act XXIII. of 1871, Secs. 3 and 4; no suit can therefore lie against Government in respect of such haks.

Applications for the attachment of Tora Girás by Civil Courts are not to be resisted, as the High Court has decided that they can be attached.—*Indian Law Reports, Aug.* 1876, *p.* 203; *G. R. No.* 4384, *July* 17, 1877; *No.* 4029, *Aug.* 13, 1877; *& No.* 4832, *September* 13, 1880.

[NOTE.—A good description of the Grassias of Guzerat a hundred years ago will be found in Forbes's "Oriental Memoirs," Vol. II., Ch. 9 and 11.]

29. **Kothli Santh.**—The allowance called 'Kothli Santh,' also in Guzerat, is of the nature of a mortgage charge on lands resumed by our Government. All small Kothli Sanths have been paid off under the same rules as other cash allowances (see Chapter XXV.), and holders of the larger ones have been encouraged to accept the same terms. But all such allowances if plainly stated in the earliest extant account to be for lands resumed, and since paid without objection, are continued on the terms on which the lands for which they were exchanged would now be continuable, redemp-

tion being however preferred where possible. Payments of Kothli Santh are now made under the same rules as ordinary cash allowances.—*G. R. No.* 4309, *Nov.* 27, 1862.

30. **One-anna Cess.**—Sawusthans held on political tenure are subject to the payment of the one-anna cess under the Bombay Local Funds Act (No. III. of 1869).—*G. R. No.* 2728, *July* 6, 1869.